

- 109. Chlordane
- 110. 4,4'-DDT
- 111. 4,4'-DDE
- 112. 4,4'-DDD
- 113. Dieldrin
- 114. α-Endosulfan
- 115. β-Endosulfan
- 116. Endosulfan Sulfate
- 117. Endrin
- 118. Endrin Aldehyde
- 119. Heptachlor
- 120. Heptachlor Epoxide
- 121. PCBs
- 122. Toxaphene

- (ii) For the chemical constituents identified after completion of (i) above, and/or if other site specific information available to the EPD indicates the presence of one or more of the above chemical constituents at levels of concern to EPD, the EPD will control the chemical constituent with a monitoring provision or with effluent limitations in the NPDES permit.
 - (a) If there are less than 10 data points available at the time of evaluation, and if the instream concentration, which is measured or calculated by dividing the effluent concentration by appropriate dilution factor from 391-3-6-.06(2)(f), is greater than or equal to fifty percent of the criteria concentration(s), then the permittee will be required to monitor that constituent for at least ten months. If there is more than one data point at the time of evaluation, then the data will be averaged together in calculating the instream concentration as described above. An exception to this is if the stream concentration is to be compared against an acute criterion. If this is the case, then instead of using the average of the data, the highest data point in the set will be used to calculate the instream concentration. This number will then be compared against 50% of the acute criterion.

- (b) The EPD will review the monitoring results after the permittee has monitored the chemical constituents for at least ten months.
- (1) In the case of chemical constituents with acute criteria, if the instream concentration (calculated using the highest concentration of at least ten monthly samples and the formula(s) in 391-3-6-.06(2)(f) is greater than the acute criterion then an effluent limit(s) for that constituent will be required at permit issuance. If the instream concentration is less than or equal to the acute criterion, then the EPD may terminate or lessen the monitoring requirement for that constituent. In the case of all other chemical constituents with numeric criteria, if the average of at least ten monthly samples indicates that a chemical constituent's instream concentration is less than fifty percent of the instream criteria, based on the formula(s) in 391-3-6-.06(2)(f), then the EPD may terminate or lessen the monitoring requirement for that constituent. If the average is fifty percent or more of the instream criteria, an effluent limit(s) for that constituent will be required at permit issuance.
- (2) If it is determined that an effluent limit(s) is required as described above, then the permit shall be reissued or modified to include an effluent limit(s) for the chemical constituent calculated as follows:

Effluent limit = criteria concentration X dilution factor
X translation factor (if necessary).

The translation factor will be used to convert dissolved criteria concentrations into total recoverable permit limits using methods discussed in 391-3-6-.03(5)(e)(ii). Where a constituent has both an acute and chronic aquatic life criteria, the acute criteria will be used to calculate a daily maximum effluent limitation while the chronic criteria will be used to calculate a monthly average effluent limitation.

- (c) If the permit is issued or modified as in (ii)(b)(2) above for a chemical constituent listed in 391-3-6-.03(5)(e), the limit shall become effective upon issuance or modification of the permit.
- (d) At the request of the permittee, a schedule to allow for development of a site-specific effluent limit may be established by the EPD. This schedule would be contained in

the permit or in an accompanying Consent Order and include the following:

- (1) A requirement for monthly monitoring for all chemical constituents that are limited.
 - (2) A requirement that the permittee perform site-specific studies, consisting of whole effluent biomonitoring, water-effect ratio tests, stream studies, or other appropriate studies or calculations. The methodology for these tests will be determined by the EPD on a case-by-case basis. Water-effect ratio studies are to be conducted using the EPA guidance document "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals, EPA-823-B-94-001" or "Stream Lined Water-Effect Ratio Procedure for Discharges of Copper, EPA-822-R-01-005" or the most recent EPA guidance document.
 - (3) A requirement that all data obtained in (2) and (3) be submitted to the EPD for review.
 - (4) No more than two years following initiation of monitoring under (ii)(a), the EPD will use the data to calculate site-specific limitations for each chemical constituent, and will initiate the process to incorporate the limitation(s) into the permit along with requirements for a minimum of annual whole effluent biomonitoring. At any time during the two year period the EPD may, upon its initiative or that of the permittee, review the data that have been submitted and may determine that limits and monitoring requirements for one or more chemical constituents may be terminated. All modifications of limits and monitoring requirements will comply with anti-backsliding requirements contained in Section 402(o) of the Clean Water Act. Conversely, should the EPD determine that adequate data are available before the two year interim monitoring period, it may develop site-specific limitations for the constituent(s) without additional monitoring.
- (e) Any permit modifications or revocation/reissuances pursuant to (ii)(b)(2) or (ii)(d) will be performed in accordance with procedures described in 391-3-6-.06(7), including public participation requirements.
- (f) For any metals monitored during any portion of the limits determination process, measurement will be by the most

appropriate analytical technique approved by the U.S. EPA which provides a measurement of the portion of the metal present which may cause toxicity to aquatic life in the receiving stream.

- (iii) For other 307(a) chemical constituents, including priority pollutants not identified in 391-3-6-.03(5)(e)(i) -(vi) whole effluent biomonitoring will be used to develop either a site-specific criteria concentration or a whole effluent toxicity limit, with such limits to be incorporated into permits. This paragraph applies to the following chemical constituents:

- (a) Chloroethane
- (b) 1,1-Dichloroethane
- (c) 1,1,1-Trichloroethane
- (d) 2-Nitrophenol
- (e) 4-Nitrophenol
- (f) Bis(2-Chloroethoxy) Methane
- (g) 4-Bromophenyl Phenyl Ether
- (h) 4-Chlorophenyl Phenyl Ether
- (i) 2,6-Dinitrotoluene
- (j) Di-n-Octyl Phthalate
- (k) Naphthalene
- (l) d-BHC-Delta
- (m) Silver
- (n) Beryllium
- (o) 2-Chloro ethyl vinyl ether
- (p) Methyl chloride (chloromethane)
- (q) 3-Methyl-4-Chlorophenol
- (r) Acenaphthylene
- (s) Benzo (ghi) perylene

(t) Phenanthrene

- (iv) The criteria concentration may be more stringent under either one of the following situations:
 - (a) If the chemical constituent exists in the upstream reaches of the receiving stream at any level greater than zero due to the presence of other direct dischargers. For this situation, the criteria concentration for computation of the effluent limit will be the net value after subtracting out this initial concentration. Unless actual water quality studies and monitoring or calculations indicate otherwise, it will be assumed that the upstream levels of each constituent are zero; or
 - (b) If the EPD determines that more stringent limitations should be imposed in order to reserve some assimilative capacity for future discharges.
- (v) The effluent limit determined in (ii)(b)(2) above may be adjusted as follows, to determine the actual effluent limit to be used in the permit:
 - (a) If the limit is more stringent than the analytical laboratory detection limit using analytical methods described in Federal Regulations 40 C.F.R. 136 or methods that have EPA concurrence, then the limit will include an accompanying statement in the permit that a reading of not detected using the analytical methods specified in the permit will be considered as being in compliance with the limit;
 - (b) If water quality studies and monitoring indicate that the chemical constituent is present in the water supply or in the upstream reaches of the receiving stream at a concentration equal to or exceeding the daily limit for the specific chemical constituent, and the presence of such cannot be attributed to direct point source dischargers, or nonpoint sources that can be reasonably controlled with best management practices, the limit will be set equal to the natural ambient concentration of the chemical constituent;
 - (c) For industrial point source dischargers, if the specific chemical constituent is regulated by a technology-based effluent guideline limit, the guideline limit will be compared to the calculated limit. The limit will be the more stringent of the two values;
 - (d) For complex effluents, where several chemical constituents exist, the EPD will assign a limit for each specific chemical constituent and may require a whole effluent biomonitoring

limit where there is a reasonable potential that the narrative criteria for whole effluent toxicity will be exceeded. Such whole effluent biomonitoring limitation will consist of a series of bioassays of the wastewater treatment plant effluent, and, if appropriate, toxicity source identification evaluations, and implementation steps to reduce the chronic toxicity. This approach shall not be applied to those chemical constituents considered potential or known carcinogens or to the chemical constituents identified in 391-3-6-.03(5)(d)(iii).

- (vi) NPDES permits issued or reissued after the adoption of this paragraph shall include biological monitoring provisions and, where determined by the State to be necessary, a water quality-based whole effluent provision utilizing numerical pass/fail criteria to manage the effluent for the additive effects of all Section 307(a)(1) Federal Clean Water Act toxic pollutants and other unknown toxic substances or priority pollutants. The water quality-based whole effluent approach will help to ensure that the wastewater treatment plant effluent does not contain unknown sources of acute and chronic toxicity that may interfere with the designated water quality use classifications of the receiving stream. The whole effluent acute biological toxicity monitoring provision ensures protection from acute toxicity within any designated mixing zone and helps to define alternate criteria to allow for the safe passage of aquatic organisms through streams with 7-day, 10-year minimum flows approaching zero. The numerical pass/fail criteria is also a screening technique for use by the EPD to determine priority toxicity reduction needs.
- (vii) Permits issued or reissued after the adoption of this paragraph may include site specific temporary exceptions to the applicable water quality standards under Chapter 391-3-6-.03(5)(e) when the requirements of this paragraph are met and the temporary exception is specifically authorized herein. Where a discharger cannot meet applicable limits for whole effluent toxicity because of a water quality based whole effluent toxicity criteria, site-specific temporary exceptions may be allowed on effluent dominated receiving streams under 7-day, 10-year minimum stream flow (7Q10) conditions provided that it has been demonstrated that the permitted discharge will comply with all chemical specific and other applicable water quality criteria, that the receiving stream will support a balanced indigenous population of aquatic life, and that controls more stringent than those required by Section 301(b) and 306 of the Federal Act for achieving whole effluent toxicity criteria would result in substantial and widespread adverse economic and social impacts to the affected communities. These site-specific exceptions shall be applicable only to the wastewater discharge as permitted at the time the exception is authorized with no changes in process or wastewater characteristics that would adversely affect water quality in the receiving stream or adversely affect the ability of potential new pollution abatement technologies to attain

compliance with the whole effluent toxicity criteria. These site-specific exceptions shall be reviewed consistent with 40 CFR 131.20 at least once in every 3- year period. If it is determined that feasible new pollution abatement technologies or alternatives have become available to allow compliance with whole effluent toxicity criteria, these site-specific exceptions may be revoked and the NPDES permits modified to require implementation of such pollution abatement technologies or alternatives as soon as reasonably practicable. Along with this permit modification will be a requirement for the permittee to comply with the water quality based whole effluent toxicity criteria after installation of these technologies.

(e) To all new dischargers or new sources the following shall apply:

1. Except as provided in subparagraph (e)2. any new discharger on which construction commenced after October 18, 1972, or any new source, which meets the applicable promulgated new source performance standards before the commencement of discharge, shall not be subject to any more stringent new source performance standards, or to any more stringent technology-based standards under section 301(b)(2) of the Federal Act for the shortest of the following periods:

- (i) Ten years from the date that construction is completed;
- (ii) Ten years from the date the source begins to discharge process or other nonconstruction related wastewater; or
- (iii) The period of depreciation or amortization of the facility for the purposes of Section 167 or 169 (or both) of the Internal Revenue Code of 1986.

Comment: The provisions of this subparagraph do not apply to existing sources which modify their pollution control facilities or construct new pollution control facilities and achieve performance standards, but which are neither new sources nor new dischargers or otherwise do not meet the requirements of this subparagraph.

2. The protection of more stringent standards of performance afforded by subparagraph (e)1. of this section does not apply to:
 - (i) Additional or more stringent permit conditions which are not technology based, e.g., conditions based on water quality standards, or effluent standards or prohibitions under Section 307(a) of the Federal Act; and
 - (ii) Additional permit conditions controlling pollutants listed as toxic under Section 307(a) of the Federal Act or as hazardous substances under Section 311 of the Federal Act and which are not controlled by new source performance standards. This includes permit conditions controlling pollutants other than those identified as toxic or

hazardous where control of those other pollutants has been specifically identified as the method to control the toxic or hazardous pollutant.

3. Where an NPDES permit issued to a source enjoying a "protection period" under subparagraph (e)1. will expire on or before the expiration of the protection period, such permit shall require the owner or operator of the source to be in compliance with the requirements of Section 301 of the Federal Act and any other applicable requirements of the Federal Act immediately upon the expiration of the protection period. No additional period for achieving compliance with these requirements shall be allowed.
4. The owner or operator of a new source, a new discharger, a source recommencing discharge after terminating operations, or a source which has been an indirect discharger which commences discharging into navigable waters shall install and have in operating condition, and shall "startup" all pollution control equipment required to meet the terms and conditions of its permits before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), the owner or operator must meet all permit terms and conditions.
5. After the effective date of new source performance standards, in accordance with Section 306(e) of the Federal Act, it shall be unlawful for any owner or operator of any new source to operate such source in violation of those standards, applicable to such source.

(5) Application for Permit.

- (a) Applications for permits under Section 10 of the Act shall be on forms as may be prescribed and furnished from time to time by the EPD. Applications shall be accompanied by all pertinent information as the EPD may require in order to establish effluent limitations in accordance with subparagraph 391-3-6-.06(4), including, but not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials. In addition, applications will comply with the information requirements specified in the Federal Regulations, 40 C.F.R. 122.21(g)(7) and (j)(4).
- (b) Engineering reports, plans, specifications, and other material submitted to the EPD shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of sewage and industrial waste treatment. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying.
- (c) Material submitted shall be complete and accurate.
- (d) Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:
 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - 3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- (e) All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:
- 1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
 - 2. The authorization is made in writing by the person designated under (d) above; and
 - 3. The written authorization is submitted to the Director.
- (f) Any changes in written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (e) 1. and 2. above.
- (g) Any person signing any document under (d) or (e) above shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (h) All municipal discharges with permitted flows equal to or greater than one million gallons per day, or with an approved pretreatment program, or that are required to develop a pretreatment program, must submit with the application results of valid whole effluent toxicity testing.

1. This testing must be conducted using EPA's methods or other established protocols which are scientifically defensible and sufficiently sensitive to detect aquatic toxicity. Such testing must have been conducted since the last NPDES permit reissuance or major modification.
2. In addition to the dischargers listed above, the Director may require other municipal dischargers to submit the results of toxicity tests with their permit applications, based on considerations which the Director determines could cause or contribute to adverse water quality impacts.

Comment: The permit application will be revised to incorporate the statement in 391-3-6-.06(5)(g) above. Where a permit program document does not contain the statement, the certification must accompany the appropriate document.

(6) Receipt and Use of Application and Data.

- (a) Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect of the discharge of any such pollutant upon the waters into which such pollutant will be discharged.
- (b) Copies of the complete NPDES Permit Application received by the EPD shall be transmitted to the Regional Administrator for any comment in such manner as the Director and the Regional Administrator shall agree.
- (c) The EPD shall receive any relevant data collected by the Regional Administrator prior to the EPD's participation in the NPDES in such manner as the Director and the Regional Administrator shall agree.

(7) Notice and Public Participation.

- (a) Tentative Determination and Draft Permits:
 1. When the EPD is satisfied that the application is complete, a tentative determination will be made to issue or deny the permit. If the tentative determination is to issue the permit, a draft permit will be prepared in accordance with Federal Regulations, 40 C.F.R. 124.6, and applicable State laws prior to the issuance of a public notice.
- (b) Public Notice:
 1. Public notice of every complete permit application will be prepared and circulated in a manner designated to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge. Procedures for circulation of the public notice shall include the following:
 - (i) Within the geographical area of the proposed discharge the public notice shall be circulated by at least one of the following: posting in the post office or other public buildings near the premises of the applicant in which the discharge is located; posting at the entrance of the applicant's premises or nearby; or publication in one (1) or more

newspapers of general circulation in the area affected by the discharge;

- (ii) A copy of the public notice shall be mailed to the permit applicant and a copy shall be available at the EPD office in Atlanta;
- (iii) Mailing of the public notice to any person or group upon written request including persons solicited from area lists from past permit proceedings. The EPD shall maintain a mailing list for distribution of public notices and fact sheet. Any person or group may request that their names be added to the mailing list. The request should be in writing to the EPD office in Atlanta and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list;
- (iv) The EPD shall provide a period of not less than thirty (30) days following the date of the public notice in which interested persons may submit their written views on the tentative determination with respect to the NPDES Permit Application. All written comment submitted during the thirty (30) day comment period will be retained by the EPD and considered in the final determination with respect to the permit application and shall be responded to in accordance with Federal Regulations, 40 C.F.R. 124.17. The comment period may be extended at the discretion of the Director;
- (v) The contents of the public notice will be in accordance with Federal Regulations, 40 C.F.B. 124.10(d);
- (vi) The EPD will prepare and distribute a fact sheet in accordance with Federal Regulations, 40 C.F.R. 124.8 and 124.56 and applicable State laws. A copy of the fact sheet will be available for public inspection at the EPD office in Atlanta. Any person may request in writing a copy of the fact sheet and it will be provided. The EPD shall add the name of any person or group upon request to the mailing list to receive copies of fact sheet;
- (vii) The EPD will prepare and distribute a statement of basis in accordance with Federal Regulations, 40 C.F.R. 124.7;
- (viii) The Director will mail a copy of the public notice to the U.S. Army Corps of Engineers, Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and to other appropriate governmental authorities and will provide such agencies an opportunity to submit their written views and recommendations in accordance with Federal Regulations, 40 C.F.R. 124.10 and applicable State laws. The comments of the District Engineer of the Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any State or Federal Agency with jurisdiction over fish, wildlife, or public health shall be considered in accordance with Federal Regulations. 40 C.F.R. 122.59;

- (ix) Copies of the proposed permits shall be transmitted to the Regional Administrator for review and comments in such manner as the Director and Regional Administrator shall agree;
- (x) The EPD shall transmit to the Regional Administrator a copy of every issued NPDES Permit, immediately following issuance, along with any and all terms, conditions, requirements or documents which are part of such permit or which affect the authorization by the permit of the discharge of pollutants.

(c) Public Hearings:

1. The Director shall provide an opportunity for an applicant, any affected state or interstate agency, the Regional Administrator or any other interested agency, person or group of persons to request a public hearing with respect to an NPDES Permit Application. Any such request for a public hearing shall be filed within the 30-day comment period prescribed in subparagraph 391-3-6.-06(7)(b)(v) and shall indicate the interest of the party filing such a request, the reasons why a hearing is requested, and those specific portions of the application or other NPDES form or information to be considered at the public interest in holding such a hearing;
2. Any public hearing held pursuant to this subparagraph shall be held in the geographical area of the proposed discharge or other appropriate location at the discretion of the Director;
3. The Director may hold one public hearing on related groups of permit applications;
4. Public notice of any hearing held pursuant to this subparagraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with Federal Regulations, 40 C.F.R. 124.10(c) where applicable to State-issued permits.

(d) Public Access to Information:

1. A copy of the NPDES Permit Application, public notice, fact sheet, statement of basis, and draft permit and other NPDES forms related thereto, including written public comments and comments of all governmental agencies thereon and other reports, files and information not involving methods or processes entitled to protection as trade secrets, shall be available for public inspection and copying during normal business hours at the EPD office in Atlanta. Effluent data shall not be considered as information entitled to protection. Public access to such information shall be in accordance with Federal Regulations, 40 C.F.R. 122.7;
2. Any information submitted with reports, records or plans that is considered confidential by the permittee (applicant), and that is not specifically excluded in item (d)1. above, should be clearly labeled "Confidential" and be supported by a statement as to the reason that such information should

be considered confidential. If the Director, with the concurrence of the Regional Administrator, determines that such information is entitled to confidential protection, he shall label and handle same accordingly;

3. Any information accorded confidential status whether or not contained in an NPDES form shall be made available, upon written request, to the Regional Administrator or his authorized representative who shall maintain the information as confidential.

(8) Terms and Conditions of Permits.

- (a) Terms and conditions under which the discharge will be permitted will be specified on the permit issued.
- (b) No NPDES Permit shall be issued authorizing any of the following discharges:
 1. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into navigable waters;
 2. Any discharge which in the judgment of the Secretary of the Army would substantially impair anchorage and navigation in or on any of the waters of the United States;
 3. Any discharge to which the Regional Administrator has objected in writing in accordance with Federal regulations, 40 C.F.R. 123.44, pursuant to any right to object provided the Administrator of EPA under Section 401(d) of the Federal al Act;
 4. Any discharge from a point source which is in conflict with a plan or amendment thereto approved pursuant to Section 208(b) of the Federal Act;
 5. Any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:
 - (i) Prior to the promulgation of the guidelines under section 403(c) of the Act, unless the Director determines permit issuance to be in the public interest; or
 - (ii) After promulgation of guidelines under section 403(c) of the Act, where insufficient information exists to make a reasonable judgment as to whether the discharge complies with any such guidelines.
 6. To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will cause or contribute to the violation of water quality standards, except as in accordance with Federal Regulations, 40 C.F.R. 122.41, 122.42 and 122.44 and applicable State laws and regulations promulgated thereunder.
- (c) The terms and conditions specified on the permit issued shall be in accordance with Federal Regulations, 40 C.F.R. 122.41, 122.42 and 122.44 and applicable State laws and regulations promulgated thereunder.

(d) The issuance of a permit does not:

1. Convey any property rights of any sort, or any exclusive privileges;
2. Authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations.

(9) Publicly Owned Treatment Works.

(a) If the permit is for a discharge from a publicly owned treatment works, notice shall be required from the applicant to the Director of the following:

1. Any new introduction of pollutants into such treatment works from an indirect discharger which would be subject to Section 306 of the Federal Act if it were directly discharging those pollutants;
2. Any new introduction of pollutants into such a treatment works from an indirect discharger subject to Section 301 of the Federal Act if it were directly discharging those pollutants;
3. Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit;

(b) If the permit is for a discharge from a publicly owned treatment works, the permittee shall require any indirect discharger to such treatment works to comply with the requirements of Sections 204(b), 307, and 308 of the Federal Act, including any requirement established under 40 C.F.R. 403. As a means of ensuring compliance with Section 307 of the Federal Act, the permittee shall require each indirect discharger subject to the requirements of said Section 307 to forward to the Director periodic notice of progress (over intervals not to exceed 9 months) toward full compliance with Section 307 requirements.

(c) If the permit is for a discharge from a publicly owned treatment works, the permittee shall identify, in terms of character and volume of pollutant, any significant indirect dischargers into such treatment works subject to pretreatment standards under Section 307(b) of the Federal Act and 40 C.F.R. 403.

(10) Schedules of Compliance.

(a) Any person who obtains an NPDES Permit or other discharge permit pursuant to the Act but who is not in compliance with applicable effluent standards and limitations or other requirements contained in such permit at the time same is issued, shall be required to achieve compliance with such standards and limitations or other requirements in accordance with a schedule of compliance as set forth in such permit, or Order by the Director, or in the absence of a schedule of compliance, by the date set forth in such permit which the Director has determined to be in the shortest reasonable period of time necessary to achieve such compliance, but in no case later than an applicable statutory deadline.

(b) In any case where the period of time for compliance specified in subparagraph 391-3-6-.06(10)(a) of these Rules exceeds 9 months, a schedule of compliance shall be specified which will set forth interim requirements and the dates for their

achievement. In no event shall more than 9 months elapse between interim dates, and, to the extent practicable, the interim dates shall fall on the last day of the months of March, June, September, and December.

- (c) Within fourteen (14) days after an interim date of compliance or the final date of compliance, the permittee shall provide the Director with written notice of its compliance or non-compliance with the requirements or conditions specified to be completed by such date. Failure to submit the written notice is just cause for the EPD to pursue enforcement action pursuant to the Act.
- (d) On the last working day of February, May, August, and November the Director shall submit to EPA information concerning noncompliance with NPDES Permit requirements by major dischargers in the State.
- (e) Any discharger who fails or refuses to comply with an interim or final date of compliance specified in a permit may be deemed by the Director to be in violation of the permit and may be subject to enforcement action pursuant to the Act.

(11) Monitoring, Recording and Reporting Requirements.

Any discharge authorized by a permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director including the installation, use and maintenance of monitoring equipment or methods; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results. The monitoring, recording and reporting requirements shall be specified in a permit when issued, provided, however, the Director may require additional monitoring, recording and reporting by written notification to the permittee.

- (a) The monitoring requirements of any discharge authorized by any such permit shall be consistent with Federal Regulations, 40 C.F.R. 122.41, 122.42, and 122.44 and applicable State laws.
- (b) Any permit which requires monitoring of the authorized discharge shall comply with the recording requirement specified by Federal Regulations, 40 C.F.R. 122.41 and applicable State laws. The permittee shall be required to retain any records of monitoring activities and results for a minimum of three (3) years, unless otherwise required or extended by the Director upon written notification.
- (c) Any holder of a permit which requires monitoring of the authorized discharge shall report periodically to the EPD the results of all required monitoring activities on appropriate forms supplied by the EPD. The Director shall notify the permittee of the frequency of reporting but in no case shall the reporting frequency be less than once per year.

(12) Modification, Revocation and Reissuance, and Termination of Permits.

- (a) The Director may revise or modify the schedule of compliance set forth in an issued permit if the permittee requests such modification or revision in writing and such modification or revision will not cause an interim date in the compliance schedule to be extended more than one hundred twenty (120) days or affect the

final date in the compliance schedule. The Director may grant requests in accordance with this subparagraph if he determines after documented showing by the permittee that good and valid cause (including Acts of God, strikes, floods, material shortages or other events over which the permittee has little or no control) exists for such revision.

- (b) The Director in accordance with the provisions of Federal Regulations, 40 C.F.R. 122.61, 122.62, 122.63, 122.64, and 124.5, may modify, revoke and reissue, or terminate an issued permit in whole or in part during its term for cause, including, but not limited to, the causes listed in Federal Regulations, 40 C.F.R. 122.62 and 122.64, or the cause listed in the Act or regulations promulgated pursuant thereto. Prior to any such modification, revocation and reissuance, or termination of an issued permit by the Director (other than modification or revision of a compliance schedule pursuant to subparagraph (a) above, or modification in accordance with the provisions of 40 C.F.R. 122.63), the Director will give public notice in accordance with the procedures set forth in subparagraph 391-3-6-.06(7)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.06(7)(c).
 - (c) In the case of a POTW which has received a grant under Section 202(a)(3) of the Federal Act to fund 100% of the costs to modify or replace facilities construction with a grant for innovative and alternative wastewater technology under Section 202(a)(2), the schedule of compliance may be modified to reflect the amount of time lost during construction of the innovative or alternative facility. In no case shall the compliance schedule be modified or extend beyond an applicable statutory deadline for compliance.
 - (d) New sources, new dischargers, sources which recommence discharging after terminating operations and those sources which had been indirect dischargers which commence discharging directly into navigable waters do not qualify for compliance schedules under this paragraph and are subject of Federal Regulations, 40 C.F.R. 122.29(d)(4).
- (13) **Non-governmentally Owned Sewerage Systems.** In cases involving nongovernmentally owned sewerage systems, a trust indenture or other legal contract or agreement, approved by the EPD, assuring continuity of operation of the system, may be required to be filed with the application for a permit. This provision shall not be applicable to systems discharging only industrial waste.
- (14) **Control of Disposal of Pollutants into Wells.** If the permit proposes to discharge to a well or subsurface water, the Director shall specify additional terms and conditions which shall (a) prohibit the proposed disposal, or (b) control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare. Any permit issued for the disposal of pollutants into wells shall comply with Federal Regulations, and applicable State laws.
- (15) **Duration, Continuation and Transferability of Permits.**
- (a) Any permit issued under Section 10(3) and (4) of the Act shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with Section 10(6) of the Act and Federal Regulations 40 C.F.R. 122.9 and 122.64 provided that an application for such new permit is filed with the Director at least 180 days prior to the expiration date

of the existing permit. The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.

(b) A permit may be transferred to another person by a permittee in accordance with 40 C.F.R. 122.61 if:

1. The permittee notifies the Director of the proposed transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittees (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director; and
3. The Director within thirty (30) days does not notify the current permittee and the new permittee of the EPD's intent to modify, revoke and re issue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Comment: A new application will be required where the change of ownership is accompanied by a change or proposed change in process or wastewater characteristics or a change or potential change in any circumstances that the Director believes will affect the conditions or restrictions in the permit.

(c) When the permittee has submitted a timely and sufficient application for a new NPDES permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.

(d) For those industrial categories for which EPA will establish effluent limitations based on best available technology, permits will be issued to ensure compliance with the effluent limit by the statutory deadline. This will be accomplished by utilizing short-term permits and/or reopener clauses that will allow the permit to be modified, revoked, reissued to comply with limitations promulgated pursuant to the Act and subsequent regulations.

(e) Notwithstanding subparagraph (a) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in a discharge and such standard prohibition is more stringent than any limitation for such pollutant in a permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

(16) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule or compliance or other requirements contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

(17) **Outfall Identification.** In order to provide the public with information as to the location of permitted outfalls in State waters and to provide the public with a way to contact appropriate persons regarding questions and concerns about these outfalls, the

following persons or entities are required to identify their permitted outfall(s) to the waters of the State:

- 1) any person or entity that has been issued an NPDES permit by the Division for a point source discharge of treated process wastewater or treated domestic sewage to waters of the State
- 2) any person or entity that has an NPDES permit for the discharge of cooling water and that discharges one million gallons or more of cooling water per day. The outfalls are to be identified by attaching a sign to the outfall or by posting a sign adjacent to the outfall in such a way that the sign shall be visible from the receiving water. Should the outfall be submerged, then the sign shall be posted on the bank as close to the outfall as possible. The sign shall be made of materials that are durable to typical weather conditions. At a minimum, the sign shall be 15 inches square. For facilities that discharge sanitary wastewater, the sign shall include the following information:
 - 1) the words "Treated Wastewater"
 - 2) the facility name including the name of the government body if owned by a local government
 - 3) the words "Permit #" followed by the last five digits of the facility's NPDES Permit number
 - 4) the words "Outfall Number" followed by the actual outfall number
 - 5) the words "Owner Phone" followed by the facility's phone number
- 6) EPD's name and phone number. For facilities that discharge treated process wastewater or cooling water, the sign shall include the following information:
 - 1) the words "Treated Industrial Water" or "Cooling Water"
 - 2) the words "Permit #" followed by the last five digits of the facility's NPDES Permit Number
 - 3) the words "Outfall Number" followed by the actual outfall number
 - 4) EPD's name and phone number. In the case of permittees who have been issued a general permit instead of an individual permit, EPD will provide the permittee with a unique 5 digit number to use as a permit number on the sign. The sign is to be posted no later than 12 months after the effective date of this rule and it is to be properly maintained from that point forward. Provided that a good faith effort is made and documented by the person or entity to maintain such sign, the person or entity shall be deemed in compliance with this Rule and the Georgia Water Quality Control Act. The requirement to identify an outfall will not apply if any of the following conditions apply:
 - 1) If the posting of the sign would be inconsistent with any other State or Federal Statute
 - 2) If the outfall to the receiving water is located on private property which is restricted to the public through fencing, patrolling, or posting. If the property

access restriction is accomplished by the posting of signs, then in order to qualify under exemption number 2 above the posted signs restricting access must be no more than 100 feet apart along the periphery of the property.

- (18) **Effective date.** This Rule shall become effective twenty days after filing with the Secretary of State's office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.06

Authority: O.C.G.A. Sec. 12-5-20 et seq.

History. Original Rule entitled "Waste Treatment and Permit Requirements" adopted. F. June 10, 1974; eff. June 30, 1974.

Repealed: New Rule of the same title adopted. F. June 24, 1980; eff. July 14, 1980.

Amended: F. Dec. 9, 1988; eff. Dec. 29, 1988.

Amended: ER 391-3-6-0.18-.06 adopted. F. Aug. 25, 1989; eff. Aug. 23, 1989, the date of adoption.

Amended: F. Dec. 8, 1989; eff. Dec. 28, 1989.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. July 6, 1990; eff. July 26, 1990.

Amended: F. Feb. 15, 1991; eff. Mar. 7, 1991.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: F. May 9, 1994; eff. May 29, 1994.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Amended: ER. 391-3-6-0.32-.06 adopted. F. May 1, 1996; eff. Apr. 25, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. May 2, 1997; eff. May 22, 1997.

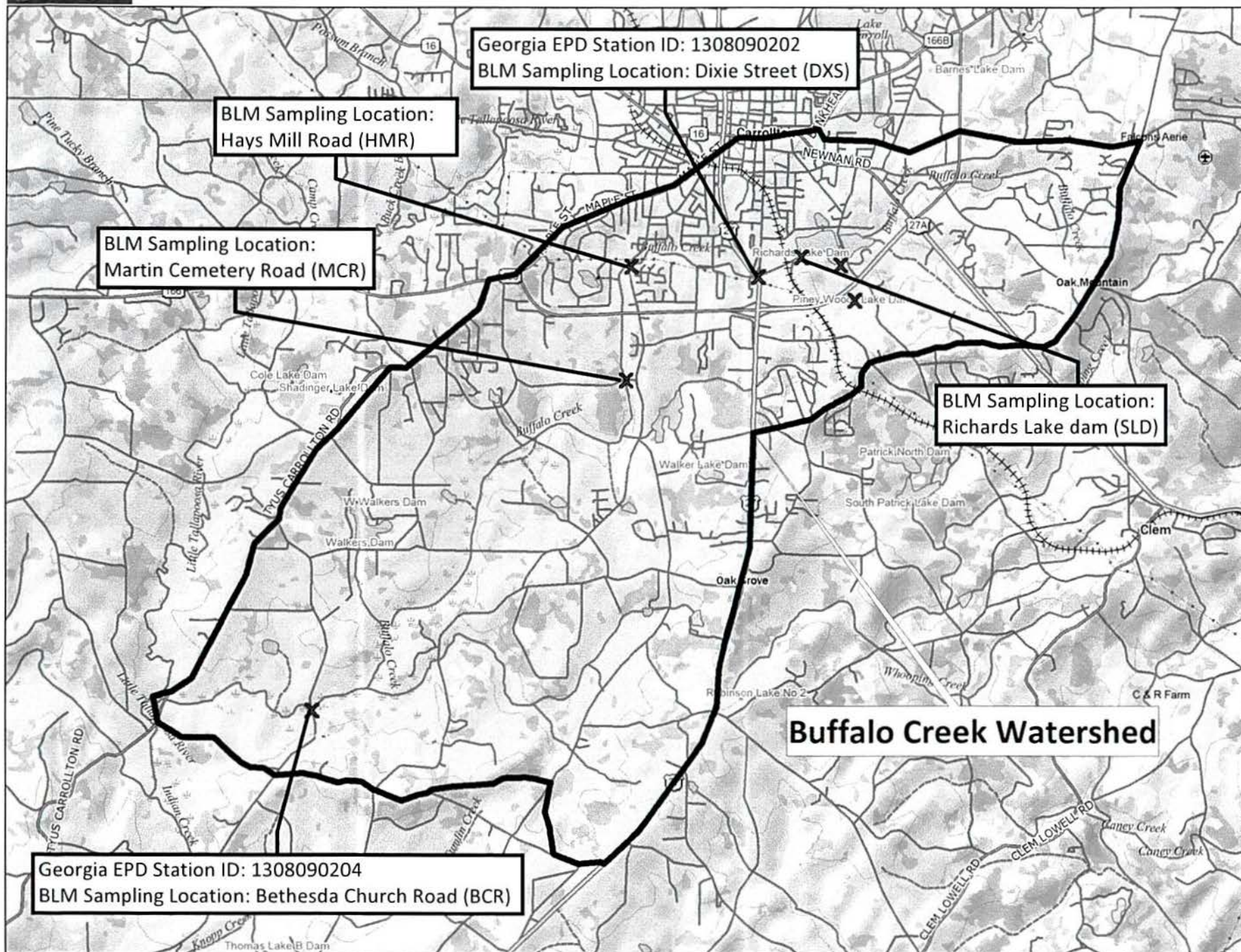
Amended: F. Nov. 3, 1998; eff. Nov. 23, 1998.

Amended: F. June 26, 2000; eff. July 16, 2000.

Amended: F. Oct. 26, 2001; eff. Nov. 15, 2001.

Amended: F. Oct. 2, 2015; eff. Oct. 22, 2015.

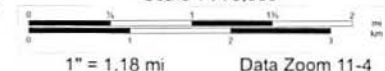
Appendix C (Buffalo Creek Affected by Site Specific BLM)



Biotic Ligand Model Report for Site-Specific Copper Water Quality Standard, Buffalo Creek, Carroll County, GA

Figure 1: Buffalo Creek Watershed Topography, Drainage Area and EPD Sampling Locations

Scale 1 : 75,000



Appendix D (Email from Pete Pattavina Regarding Buffalo Creek and Listed Bats)

From: Pattavina, Pete <pete_pattavina@fws.gov>
Sent: Tuesday, April 12, 2016 4:01 PM
To: Poe, Jason; Anthony Sowers
Subject: Copper criterion at Buffalo Creek, Carroll County, Georgia

Hi, Jason. Nice talking to you on the telephone today. I don't see much issue with your not likely to adversely affect listed bat species with the new designation for Buffalo Creek. I've copied and pasted two abstracts that I recently saw at the last Southeastern Bat Diversity Network Meeting. Not sure if these will be helpful at all, but just wanted to close the loop on what we discussed.

Pete

TROPHIC TRANSFER OF MICROCYSTIN FROM A FRESHWATER LAKE TO LITTLE BROWN BATS
D. N. JONES*, M. M. WOLLER-SKAR, AND A. L. RUSSELL. Grand Valley State University, 1 Campus Drive, Allendale, MI 49401 *Microcystis aeruginosa* is a type of cyanobacteria capable of producing a hepatotoxin called microcystin. As toxic *M. aeruginosa* overwinters in the sediments of lakes, it is ingested by some mayfly larvae, such as those of *Hexagenia* spp., and thus microcystin bioaccumulates in these insects. When *Hexagenia* emerge from lakes to reproduce, they provide an abundant, albeit temporary, food source for many terrestrial organisms such as bats. Little brown bats, *Myotis lucifugus*, likely feed opportunistically on aquatic insects. To test if microcystin moves from aquatic to terrestrial ecosystems via trophic transfer, we 1) tested bat feces for the presence of *Hexagenia* mayflies, and 2) tested bat livers and feces for microcystin. In June 2014, in correspondence with the *Hexagenia* emergence, bat feces were collected from underneath a maternity roost near Little Traverse Lake (Leelanau County, MI). On 20 and 27 June we caught 19 female *M. lucifugus*, which were euthanized, and collected their livers and feces. DNA was extracted from feces, amplified with a Polymerase Chain Reaction (PCR), and sequenced. Concentrations of microcystin in liver tissue and feces were determined using an Enzyme-linked Immunosorbent Assay (ELISA) and Liquid Chromatography with Tandem Mass Spectrometry (LC-MS). *Hexagenia* were present in the diet of *M. lucifugus* and the most likely source of microcystin. Our analyses reveal that microcystin was also present, with higher concentrations in the bat feces than the livers. Additionally, histopathology results of three bat livers with highest concentrations of microcystin show little to no cytological damage from the toxin. From these data, it appears that *M. lucifugus* are not highly affected by the ingestion of microcystin.

ORGANOCHLORIDE PESTICIDES PRESENT IN THE FUR OF BATS AND RODENTS IN AN AGRICULTURAL REGION OF SOUTHEASTERN ARKANSAS MATTHEW E. GRILLIOT, JOHN L. HUNT, AND CHRISTOPHER G. SIMS. Troy UniversityMontgomery, Department of Arts and Sciences, 126 Church Street, Montgomery, AL 36104 (MEG); University of Arkansas at Monticello, School of Mathematical and Natural Sciences, 397 University Drive, Monticello, AR 71656 (JLH and CGS) Bats in agricultural settings may be prone to bioaccumulation toxins. A maternity colony of Rafinesque's big-eared bats (*Corynorhinus rafinesquii*) roosts in an abandoned building between an agricultural field and Bayou Bartholomew in Drew County, Arkansas. On July 30, 2014, 3 males and 7 females were captured by hand net; blood and hair samples were taken from each. Samples from 5 individuals were sent to the Center of Environmental Sciences and Engineering at the University of Connecticut for analysis. Results indicated significant levels of dichlorodiphenyltrichloroethane (DDT) or its metabolite dichlorodiphenyldichloroethylene (DDE) in the fur of 2 bats. One bat had DDT at 3,929 parts per billion (ppb) in the fur; another had DDE at 14,545 ppb. Blood samples did not have measureable levels of toxins. Additionally, we collected hair and blood from a hispid cotton rat (*Sigmodon hispidus*) during the study, and found DDE at 5323 ppb in the fur. Later, we collected hair samples from 7 white footed deermice (*Peromyscus leucopus*) at the same site. One individual had

dichlorodiphenyldichloroethane (4,4-DDD), another metabolite of DDT, at 629 ppb, and another had trans-nonachlor, a component of chlordane at 647 ppb. DDT was banned in the United States in 1972 due to risks to the environment and human health; chlordane was banned in 1988. This study raises questions about environmental persistence of DDT/DDE and other organochlorides. There may be risk to wildlife populations, warranting further investigation into effects of long-term exposure to these toxins.

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